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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,796	02/29/2000	Guido M. Schuster	99,599	1037

20306 7590 03/09/2004

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
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2157

26

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/515,796

Applicant(s)

SCHUSTER ET AL.

Examiner

Salad E Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) 1-18, 49-65, 71 and 72 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-48 is/are allowed.
- 6) ☒ Claim(s) 66-70 and 73-75 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>25</u> . | 6) <input type="checkbox"/> Other: ____ |

Response

1. The response filed on 12/15/2003 has been entered and made of record.
2. Applicant's arguments filled on 6/30/2003 with respect claims 66-70 and 73-75 have been fully considered but they are not persuasive fir the following reason.

First, applicant alleges McHenry fails to suggest the need to transmit a registration request across a data network to a registration server. Examiner respectfully disagrees, because McHenry teaches a system for registering a user of mobile device when the user is close proximity with a base station in a cellular environment. The base periodically transmits scanning signal (ping signal) to detect presence of portable mobile device then the portable mobile device detects the signal and transmits response. Once a response is received from the portable device a registration process is initiated to register the portable by a registration station (see col. 17, lines 54-60 , col. 18, lines 41-55). Also, McHenry teaches other networks such as packet switched network (i.e. data network) may be utilized.

Allowable Subject Matter

3. Claims 19-48 are allowed.

Claim Rejections - 35 USC 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 66-70 and 73-75 are rejected under 35 U.S.C. 102(b) as being anticipated by McHenry et al., U.S. Patent No. 5,592,533.

As per claims 66, 69, and 73, McHenry et al., disclose a proximity-based registration for portable devices, to a data network appliance (base station) comprising:

- wirelessly transmitting ping message from the data network appliance (the base station transmitting periodic scanning signals) (see col. 18, lines 41-55);
- determine whether an announcement message has been detected from the portable device (see col. 9, lines 1-22 and col. 18, lines 40-55, col. 5, lines 44-65);
- transmitting a registration request across a network to a registration server upon determining that the announcement message has been detected from the portable information device (see col. 5, lines 44-65).

In considering claim 67 McHenry et al., discloses a system further comprising the step of repeating the ping message (periodically transmitting a scanning signal) (see col. 18, lines 41-55).

In considering claim 68 and 70, McHenry et al., discloses a system further including transmitting a registration request across a network to a registration server upon determining that the announcement message has been detected from the portable information device (see col. 5, lines 44-65).

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In considering claim 74, McHenry et al., discloses a system, wherein the step of reading user attributes further includes accessing a database to obtain at least one registration corresponding to the user attributes (see col. 5, line 44 to col. 6, line 12).

In considering claim 75, McHenry et al., discloses a system, wherein the passive portable device is a security badge (smart device) (see the abstract).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

CONCLUSION

6. The prior art made of record and relied upon is considered pertinent to the applicant's disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 703-308-8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ario Etienne can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should mailed to:

Box AF


Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703-872-9306

As
3/7/2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100